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FEDERAL COMMUNICATIONS COMMISSION  
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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )  
 )  
Advanced Television Systems ) MM Docket No. 87-268  
and Their Impact upon the Existing )  
Television Broadcast Spectrum )

To: The Commission

**OPPOSITION OF APCO TO PETITIONS FOR RECONSIDERATION**

The Association of Public-Safety Communications Officials-International, Inc. ("APCO"), by its attorneys, hereby submits the following response to certain petitions seeking reconsideration of the Commission's Sixth Report and Order in the above-captioned proceeding, released April 21, 1997, 62 Fed. Reg. 26684 (May 14, 1997).

On June 9, 1997, the Commission adopted a Notice of Proposed Rulemaking (ET Docket 97-157) to re-allocate 764-776 MHz and 794-806 MHz (TV channels 63, 64, 68, and 69) for public safety. Legislation recently passed in both the Senate and House of Representatives would require such an allocation of 24 MHz for public safety to occur by January 1, 1998. This proposed allocation will greatly enhance the communications capability of police, fire, emergency medical and other public safety personnel in the field. However, in certain metropolitan areas, use of some or all of the newly allocated 24 MHz will be delayed due to current analog stations, construction permits for analog stations,

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and 15 new DTV allotments on channels 60-69. APCO has filed a Petition for Partial Reconsideration urging the Commission to eliminate those 15 DTV allotments.<sup>1</sup>

Several television licensees have also sought reconsideration of DTV allotments on channels 60-69. Some are noncommercial licensees that received DTV allotments in channels 60-69 and are concerned with the added cost of two digital conversions.<sup>2</sup> Others complain that the new DTV allotment in channels 60-69 will cause interference with an existing analog station.<sup>3</sup> These petitions add weight to APCO's position that channels 60-69 are inappropriate for DTV allotments.

There are some broadcasters, however, who call for the opposite result, and urge the Commission to make greater use of channels 60-69.<sup>4</sup> That would have a serious and detrimental impact on public safety, undermining the common goal of the Commission, Congress, and the President to allocate 24 MHz from the 746-806 MHz band for public safety use. For example, MST suggests that channels 60-69 be used for DTV in "Acute Problem Areas" such as the East Coast, Great Lakes Regions, and the California Coast.<sup>5</sup> Yet, those are some of the same areas that have the greatest need for new public safety spectrum. Additional channel 60-69 allotments in these areas will delay their access to the

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<sup>1</sup> See also Petition for Reconsideration of Los Angeles County.

<sup>2</sup> Lehigh Valley Public Television (seeking reconsideration of DTV allotment of channel 62 in Allentown, PA); Educational Broadcasting Corporation (seeking reconsideration of DTV allotment of channel 61 in Newark).

<sup>3</sup> HSN, Inc. (current licensee of channel 65, Vineland, NJ, and concerned with interference from new DTV allotments on channels 64 and 66).

<sup>4</sup> Petitions for reconsideration of Association of Maximum Service Television, Inc. ("MST"), Fox Television Stations, Inc., Mountain Broadcasting Corp., Media General, Inc., Viacom, Inc., and Jovan Broadcasting.

<sup>5</sup> MST Petition at 21-22.

new spectrum until at least 2006. Police officers, firefighters, emergency medical crews, and other public safety personnel in areas such as Boston, New York, Philadelphia, Washington, Chicago, San Francisco, and Los Angeles need new radio spectrum now, not in 2006 or later.

The Public Safety Wireless Advisory Committee ("PSWAC") stressed in its Final Report that **"unless immediate measures are taken to alleviate spectrum shortfalls and promote interoperability, Public Safety agencies will not be able to adequately discharge their obligation to protect life and property in a safe, efficient and cost effective manner."**<sup>6</sup> As described by PSWAC, the "currently allocated Public Safety spectrum is insufficient to meet current voice and data needs, will not permit deployment of needed advanced data and video systems, does not provide adequate interoperability channels, and will not meet future needs under projected population growth and demographic changes."<sup>7</sup> The FCC's allotment plan, and the recent proposal to reallocate 24 MHz for public safety, are critical steps toward addressing some of the most immediate needs identified by PSWAC. However, the Commission must avoid any action that would undermine this otherwise historic effort to improve public safety communications.

Any additional DTV allotments in channels 60-69 could impede public safety utilization of the 24 MHz of spectrum allocated for its use. In ET Docket 97-157, the Commission has proposed an allocation of the spectrum occupied by channels 63, 64, 68, and 69, for public safety. Obviously, those channels, in particular, must not be

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<sup>6</sup> PSWAC Final Rpt. at 2 (emphasis in original).

<sup>7</sup> PSWAC Final Rpt. at 19-20; see also Notice of Proposed Rulemaking in ET Docket 97-157 (released July 10, 1997).

encumbered by any additional DTV allotments. Depending upon the interference guidelines adopted by the Commission, adjacent channels (62, 65, and 67) could also pose problems, and therefore also should not be used for DTV. Finally, in areas where channels 63, 64, 68, or 69 are blocked by analog or DTV stations, public safety agencies may need the flexibility to operate on other 746-806 MHz channels on an interim basis. Under this scenario, agencies would switch to the dedicated public safety channels after the transition to create a common nationwide allocation.

A special word is necessary regarding channel 69, which MST suggests should be used for DTV in Philadelphia and Washington.<sup>8</sup> Channel 69 (800-806 MHz) is immediately adjacent to current public safety and other land mobile radio operations on frequencies just above 806 MHz. Use of channel 69 could cause interference with existing public safety operations. Moreover, the potential for TV/land mobile interference has limited the use of channel 69 for television operations (there are currently less than 10 full power stations or CPs on channel 69)<sup>9</sup>, making it particularly attractive for reallocation for public safety. Furthermore, the proximity of channel 69 to current public safety land mobile operations in the 800 MHz band would greatly enhance interoperability with existing systems and reduce equipment costs. Therefore, the Commission must not allot channel 69 for DTV in Philadelphia, Washington, or elsewhere.

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<sup>8</sup> See also Petitions for reconsideration of Media General, Inc. and Fox Television Stations, Inc..

<sup>9</sup> Television and Cable Factbook (1997), at C-21.

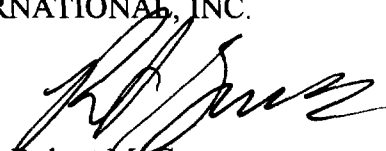
## CONCLUSION

For the reasons discussed above, APCO opposes any additional DTV allotments in channels 60-69, and reiterates its request that the Commission reconsider the 15 current DTV allotments.

Respectfully submitted,

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July 18, 1997

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